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6

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA – NORTHERN DIVISION**

9 THE BANK OF NEW YORK MELLON FKA  
10 THE BANK OF NEW YORK AS TRUSTEE  
11 FOR THE CERTIFICATEHOLDERS CWALT,  
12 INC. ALTERNATIVE LOAN TRUST 2005-  
3CB MORTGAGE PASS-THROUGH  
13 CERTIFICATES, SERIES 2005-3CB,

14 Plaintiff,  
vs.

15 HIGHLAND RANCH HOMEOWNERS  
16 ASSOCIATION; KERN & ASSOCIATES,  
LTD; TBR 1, LLC; AIRMOTIVE  
17 INVESTMENTS LLC; DOE INDIVIDUALS I-  
X inclusive, and ROE CORPORATIONS I-X,  
18 inclusive,

19 Defendants.

20 Case No.: 3:16-cv-00436-RCJ-WGC

21 **STIPULATION AND ORDER TO**  
**EXTEND DATE BY WHICH**  
**HIGHLAND RANCH HOMEOWNERS**  
**ASSOCIATION SHALL HAVE TO**  
**FILE ITS REPLY IN SUPPORT OF**  
**PARTIAL MOTION TO DISMISS AND**  
**OPPOSITION TO BANK OF NEW**  
**YORK MELLON'S**  
**COUNTERMOTION FOR SUMMARY**  
**JUDGMENT**  
**(FIRST REQUEST)**

22 Plaintiff, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK  
23 AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWALT, INC. ALTERNATIVE LOAN  
24 TRUST 2005-3CB MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-3CB  
25 (“Bank of New York Mellon”) and Defendant, HIGHLAND RANCH HOMEOWNERS  
26 ASSOCIATION (“Highland Ranch HOA”), by and through their respective counsel, stipulate to  
27 extend the deadline for Highland Ranch HOA to file its Reply in Support of Partial Motion to  
28 Dismiss and its Opposition to Bank of New York Mellon’s Motion for Summary Judgment from  
September 26, 2016 to October 3, 2016.

1           Highland Ranch filed its Partial Motion to Dismiss (ECF #18) on August 29, 2016 and  
2 Bank of New York Mellon filed its Countermotion for Summary Judgment on September 1,  
3 2016 (ECF #21). Good cause exists for the extension of an additional week so that Highland  
4 Ranch HOA can further evaluate recent case law that may impact the issues in the briefing and  
5 the parties' recent FRCP 26 disclosures which may impact the issues in the briefing, and so that  
6 Highland Ranch may further research the law bearing on the issues in the briefing. The Court  
7 has not granted any previous extensions to Highland Ranch HOA for this briefing.

8           **IT IS SO STIPULATED.**

9 Dated this 21<sup>st</sup> day of September, 2016.

10 AKERMAN LLP

11 By/s/ Natalie Winslow

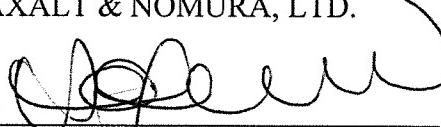
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16 Attorneys for Plaintiff  
17 Bank of New York Mellon fka The Bank  
18 New York as Trustee for the Certificateholders  
19 CWALT, INC. Alternative Loan Trust  
20 2005-3CB Mortgage Pass-Through  
21 Certificates, Series 2005-3CB

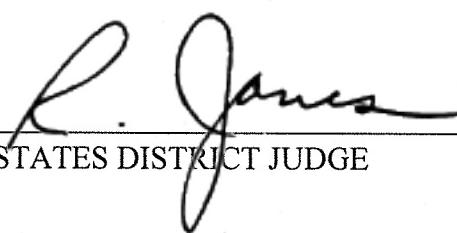
22           **IT IS SO ORDERED:**

23 Dated this 22nd day of September, 2016.

24           Dated this 21<sup>st</sup> day of September, 2016.

25 LAXALT & NOMURA, LTD.

26 By   
27 HOLLY S. PARKER (SBN 10181)  
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29 9600 Gateway Drive  
30 Reno, Nevada 89521  
31 Attorneys for Defendant  
32 Highland Ranch Homeowners  
33 Association

34   
35 UNITED STATES DISTRICT JUDGE

## CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(b), I certify that I am an employee of Laxalt & Nomura, Ltd. and not a party to, nor interested in, the within action; that on the 21<sup>st</sup> day of September, 2016, a true and correct copy of the foregoing *STIPULATION AND ORDER TO EXTEND DATE BY WHICH HIGHLAND RANCH HOMEOWNERS ASSOCIATION SHALL HAVE TO FILE ITS REPLY IN SUPPORT OF PARTIAL MOTION TO DISMISS AND OPPOSITION TO BANK OF NEW YORK MELLON'S COUNTERMOTION FOR SUMMARY JUDGMENT (FIRST REQUEST)* was filed electronically through the Court's CM/ECF electronic notice system to the attorneys associated with this case.

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Certificateholders CWALT, Inc. Alternative  
Loan Trust 2005-3CB Mortgage Pass-Through  
Certificates, Series 2005-3CB*

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Kathie Martin

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An Employee of Laxalt & Nomura, Ltd.